

MICHIGAN CHILD SUPPORT PROGRAM LEADERSHIP

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**Child Support
Legislative Package
2013 – 2014
May 14, 2014**

Compassion. Protection. Independence.

**Child Support Legislative Package:
Overview and Goals**

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Proposals to:

- **Improve Enforcement**
- **Enhance Efficiency**
- **Implement Technical Changes**

Bill Summary Table

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Bill No.	Sponsor	Topic	Amended Statutes
Enforcement Improvement			
SB 521	Emmons	Pay or Stay, Subpoenas & Show Cause, Bench Warrant Change, Spousal Support Enf. Costs	SPTEA
Efficiency Enhancements			
SB 520	Emmons	Criminal Nonsupport	Michigan Penal Code
SB 526	Caswell	Support for 3 rd Party Caregivers, Assignment of Support Priority Over Redirection	SPTEA
HB 5510	Kurtz	Replace Notary Requirement on Affidavit of Parentage	Acknowledgment of Parentage Act
Technical Changes			
SB 522	Caswell	Repeal \$2 Fee	RURESA
SB 527	Caswell	Immediate Judgment Fees	RJA
SB 528	Nofs	Lottery Winnings to MiSDU	Lottery Act
SB 529	Caswell	Allocation and Distribution	OCS Act
SB 530	Caswell	Alternative Dispute Resolution, FOC Attorney, Grievance Reports, Duties of FOC, Credit Reporting	FOCA
HB 5473	Lori	Best Interests of the Child in Revocation of Paternity	Revocation of Paternity Act

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Enforcement Improvements

Enforcement Improvement

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Proposal to improve enforcement by:

- Improved procedures
- Increasing support collections
- Engaging parents
- Confronting the underground economy

Enforcement Improvement cont.

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SB 521

Senate Bill 521 amends the Support and Parenting Time Enforcement Act (SPTEA) by:

- Defining a judge's authority under the SPTEA to issue "pay or stay" jail terms for civil contempt.
- Authorizing a Friend of the Court (FOC) to issue subpoenas required to carry out statutory and court rule enforcement duties. Existing rules allow attorneys to compel a person's appearance in court. Applying these rules to FOC enforcement proceedings will streamline and expedite the hearing process.

Enforcement Improvement cont.

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SB 521 cont.

- Providing specific authority permitting the FOC to accept the voluntary surrender of an SPTEA bench warrant respondent to do one of the following:
 - Accept and process the bond authorized by the court and set an appearance date before the court; or
 - Take the person immediately before the court that issued the warrant.
- Implement a user-pay system of funding spousal support-only enforcement and case management when the FOC handles the case.

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Efficiency Enhancements

Efficiency Enhancements

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Proposals to enhance efficiency by:

- Saving costs
- Confronting the underground economy (UE)
- Increasing technology use

Efficiency Enhancements cont.

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SB 520 & SB 526

Senate Bill 520 includes the following proposals to amend the Michigan Penal Code:

- Court will order restitution to the victim under the felony nonsupport order as required under the original support order, and the notice provisions will be amended.

Senate Bill 526 includes the following proposals to amend the SPTEA:

- Allow FOCs to redirect child support to a relative or other caretaker when a child is placed outside of home with that individual, regardless of the caregiver's legal responsibility for that child.
- Place county- and state-funded foster care on equal playing field in the area of prioritization through assignment of support.

Efficiency Enhancements cont.

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HB 5510

House Bill 5510 proposes to amend the Acknowledgment of Parentage Act by replacing the notary requirement on an Affidavit of Parentage (AOP) with the requirement that signatures merely be witnessed.

Why?

- Difficulty of keeping a notary on hospital staff solely for the purpose of notarizing AOPs.
- A notary does NOT guarantee the truthfulness of the contents of the AOP, but only that the person signing is the person named. Therefore, a designated witness could perform the function.

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Technical Changes

Technical Changes

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Proposals to modify legislation by:

- Clarifying language.
- Codifying current practices.
- Shifting certain child support responsibilities from one child support partner to another.
- Correcting previous oversights in legislation.

Technical Changes cont.

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SB 522 & SB 527

These bills clarify language regarding payment of fees.

- SB 522 amends the Revised Uniform Reciprocal Enforcement of Support Act (RURESA) by repealing the \$2 monthly fee charged to reimburse the county for the cost of enforcing a spousal, child support, or parenting time order under the act.
- SB 527 amends the Revised Judicature Act to clarify language regarding payment of fees for actions involving child custody, support, or parenting time.

Technical Changes cont.

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SB 528 & SB 529

Senate Bill 528 amends the Lottery Act by:

- Codifying current practice in the area of the lottery wherein the Lottery Bureau and Treasury handle withholdings for state debts and child support in the same manner.

Senate Bill 529 amends the Office of Child Support Act by:

- Giving the allocation and distribution determination authority to the Office of Child Support (OCS) instead of the SCAO.

Technical Changes cont.

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SB 530

Senate Bill 530 proposes the following amendments to the FOC Act:

- Clarify the correct locations and uses of "alternative dispute resolution" and "domestic mediation" in order to reflect the intentions of the original drafters.
- Ensure that an attorney appointed to assist the FOC directors, in offices where the director is a non-attorney, is compensated properly pursuant to the FOC Act.
- Requires that grievance reports be submitted to SCAO annually as opposed to semi-annually and removes the requirement that local FOC offices provide the SCAO statistical report of statewide grievances because the grievance report is available on the SCAO website.
- Properly reflects the duties of the FOC regarding support payments; transition to the state disbursement unit; providing statements of accounts to parties; and initiating and carrying out proceedings to enforce orders entered in domestic relations matters.
- Grant OCS the responsibility for determining the data reporting requirements for credit reporting instead of SCAO.

Technical Changes cont.

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HB 5473

House Bill 5473 amends the Revocation of Paternity Act RPA to permit the court to consider the best interests of the child when revoking an AOP.

Why?

- Correct an oversight from when the RPA was originally drafted.
- Children with legally recognized fathers – through marriage, court action, or AOPs – all deserve consideration of their best interests when courts are deciding whether to revoke paternity.

